

Minutes of the regular meeting of the Zoning Board of Appeals of the Village of Irvington, held in the Board of Trustees Hearing Room on February 9, 1993.

MEMBERS PRESENT: Chairman **Lustenberger**
Lewis Herman
Robert Myers
Robert Bronnes
Thomas **M. Rothman**

ALTERNATE Frank Gilligan
MEMBERS PRESENT: George Rowe
Bruce Clark

Chairman Lustenberger called the meeting to order promptly at 8:00 **P.M.** and announced that Counsel for Mr. Caterino had requested an adjournment. The Board approved the request and set the next meeting for March **9th**.

Mr **Rothman** moved to approve the Minutes of the meeting of January 12, which motion was seconded 'and unanimously approved.

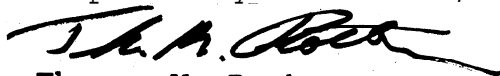
The first matter **heard** was the adjourned Application of Therese Gendron for a variance from the rear yard set **back** requirement of the Code to permit the construction of an addition to her house two feet closer to the rear property line then permitted by the Code. Ms. Gendron appeared with her Architect. Numerous Members of the Board stated that they had visited the site and that the new structure would be constructed on the site of an existing deck and that any concerns raised at the last meeting have now been eliminated. After a thorough discussion **of the Code** and the 'requirements for the granting of the Application, motion was made to grant the Application, which motion. was seconded and **unanimously** approved.

The final matter heard was the adjourned Application of **S. Howard Padwee**. The Chairman submitted an affidavit of mailing of the notice of the meeting. **Mr. Padwee** appeared with his Counsel, Mr. Steinmetz. Chairman Lustenberger discussed the facts of the Application and presented his personal preliminary analysis of the law as it applies to the Application. Mr. Steinmetz stated his position on this matter and Jeffrey Shumejda, appearing as Counsel for several neighbors in opposition to the Application, stated his position on the matter. As the discussion progressed it became evident that uncertainty exists concerning a factual determination of the development capacity of the site prior to the enactment of the 1989 amendments to the Code. Mr. and Mrs. John Hendrickson, neighbors of the property, requested the right to retain an engineer to analyze this issue since they believe

the information submitted to the Board by Mr. **Padwee's** engineer is not entirely correct After some discussion, Chairman Lustenberger moved to adjourn the Application to the March 9th meeting to afford the Hendrickson& an opportunity to present such professional analysis concerning this Matter as they deem appropriate, such analysis to be received by the **Members** of the Board no later than March 2nd; which motion was seconded and unanimously approved.

The meeting was adjourned at **9:40 P.M.**

Respectively submitted,

A handwritten signature in black ink, appearing to read "T.M. Rothman", with a long, sweeping horizontal stroke extending to the right.

Thomas M. Rothman
Secretary